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| 10/077,136 | 02/14/2002 | Hideki Yamauchi | MRSH118714 | 2912 |
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| CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347 | | | EXAMINER YIMAM, HARUN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2611 | |

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,136

Applicant(s)

YAMAUCHI ET AL.

Examiner

Harun M. Yimam

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/14/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/1/04 & 5/3/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8, 10-15, and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Christopoulos (US 2001/0047517).

Considering claim 1, Christopoulos discloses an image data transmission apparatus (paragraph 0035, lines 1-4) comprising: a transmission unit (110 in figure 1) that transmits image data; and a control unit (125 in figure 1) that controls the amount of image data to be transmitted in accordance with information (transcoder hints—paragraph 0035, lines 8-13) concerning the transmission rate of a network (network characteristics—paragraph 0035, lines 8-11, paragraph 0039, lines 5-26, and figure 3) through which said image data are to be transmitted.

As for claims 2 and 3, Christopoulos discloses that the said control unit calculates said information concerning the transmission rate on the basis of a

measured value of the transmission rate, and controls the amount of image data to be transmitted in accordance with the calculation (paragraph 0039, lines 5-26).

Regarding claim 4, Christopoulos discloses an image data transmission apparatus (paragraph 0035, lines 1-4) comprising: a transmission unit (110 in figure 1) that transmits image data; and a control unit (125 in figure 1) that controls the amount of image data to be transmitted in accordance with information (transcoder hints—paragraph 0035, lines 8-13) concerning a receiving apparatus (client capabilities and user preferences at the client system—135 in figure 1 and paragraph 0038, lines 4-11 and figure 3) that receives said image data.

As for claim 6, Christopoulos discloses that the control unit detects performance speed of said receiving apparatus on said image data as said information (bandwidth capabilities of the client system—paragraph 0040, lines 9-12).

With regards to claim 7, Christopoulos discloses that the control unit detects the specifications of a display unit of said receiving apparatus as said information (display capabilities of the client system—paragraph 0040, lines 9-12).

Regarding claim 8, Christopoulos discloses a compression unit that compresses said image data to be transmitted; wherein said control unit controls said compression

unit to adjust resolution of said image data in accordance with said information (paragraph 0039, paragraph 0040, lines 1-12 and paragraph 0047, lines 1-29).

As for claim 10, Christopoulos discloses a compression unit that compresses said image data to be transmitted; wherein said control unit controls said compression unit to reduce bit numbers dedicated to each pixel of said image data in accordance with said information (paragraph 0039, lines 11-15).

With regards to claim 11, Christopoulos discloses an image data receiving apparatus (client system—135 in figure 1) comprising: a receiving unit (135 in figure 1) that receives image data; and a control unit (a control unit similar to the one on the transmitting side can be used on the receiving side—125 in figure 1 and paragraph 0035, lines 18-20) that controls the amount of image data to be received in accordance with information (transcoder hints—paragraph 0035, lines 8-13) concerning the transmission rate of a network (network characteristics—paragraph 0035, lines 8-11, paragraph 0039, lines 5-26, and figure 3) through which said image data are to be transmitted.

Regarding claims 12 and 13, Christopoulos discloses that the said control unit calculates said information concerning the transmission rate on the basis of a measured value of the transmission rate, and controls the amount of image data to be received in accordance with the calculation (paragraph 0039, lines 5-26).

As for claim 14, Christopoulos discloses an image data receiving apparatus comprising: a receiving unit (135 in figure 1) that receives image data; a decoding unit that performs data processing on the received data (paragraph 0042, lines 11-15 and paragraph 0043, lines 1-14); and a control unit (a control unit similar to the one on the transmitting side can be used on the receiving side—125 in figure 1 and paragraph 0035, lines 18-20) that controls the amount of image data to be received in accordance with information concerning the performance speed of said decoding unit (bandwidth capabilities of the decoder at the client system—paragraph 0040, lines 9-12).

With regards to claim 15, Christopoulos discloses an image data receiving apparatus comprising: a receiving unit (135 in figure 1) that receives image data; a decoding unit that performs data processing on the received data (paragraph 0042, lines 11-15 and paragraph 0043, lines 1-14); a display unit (inherent since the display capabilities of the client system is disclosed—paragraph 0040, lines 9-12) that displays the processed data; and a control unit (a control unit similar to the one on the transmitting side can be used on the receiving side—125 in figure 1 and paragraph 0035, lines 18-20) that controls the amount of image data to be received in accordance with information concerning the specification of said display unit (display capabilities of the client system—paragraph 0040, lines 9-12).

As for claim 18, Christopoulos discloses an image transmitting method (paragraph 0035, lines 1-4) comprising: transmitting image data (paragraph 0039, lines

11-15); and controlling the amount of image data to be transmitted (transcoder 125 in figure 1 uses the transcoder hints to control the image transmission—paragraph 0038, lines 4-11), in accordance with information (transcoder hints—paragraph 0035, lines 8-13) concerning the transmission rate of a network (network characteristics—paragraph 0035, lines 8-11, paragraph 0039, lines 5-26, and figure 3) through which said image data are to be transmitted.

With regards to claim 19, Christopoulos discloses an image transmitting method (paragraph 0035, lines 1-4) comprising: transmitting image data (paragraph 0039, lines 11-15); and controlling the amount of image data to be transmitted (transcoder 125 in figure 1 uses the transcoder hints to control the image transmission—paragraph 0038, lines 4-11), in accordance with information (transcoder hints—paragraph 0035, lines 8-13) concerning a receiving apparatus (client capabilities and user preferences at the client system—135 in figure 1 and paragraph 0038, lines 4-11 and figure 3) that receives said image data.

Regarding claim 20, Christopoulos discloses an image receiving method comprising: receiving image data (client system, 135 in figure 1, receives the image data—paragraph 0039, lines 9-15); and controlling the amount of image data to be received (a control unit similar to the one on the transmitting side can be used on the receiving side—125 in figure 1 and paragraph 0035, lines 18-20), in accordance with information (transcoder hints—paragraph 0035, lines 8-13) concerning the

transmission rate of a network (network characteristics—paragraph 0035, lines 8-11, paragraph 0039, lines 5-26, and figure 3) through which said image data are to be transmitted.

Considering claim 21, Christopoulos discloses an image receiving method comprising: receiving image data (client system, 135 in figure 1, receives the image data—paragraph 0039, lines 9-15); performing data processing on the received image data for displaying said image data (paragraph 0042, lines 11-15 and paragraph 0043, lines 1-14); and controlling the amount of image data to be received (a control unit similar to the one on the transmitting side can be used on the receiving side—125 in figure 1 and paragraph 0035, lines 18-20) in accordance with information concerning the performance speed of said data processing (bandwidth capabilities of the decoder at the client system—paragraph 0040, lines 9-12).

As for claim 22, Christopoulos discloses an image receiving method comprising: receiving image data (client system, 135 in figure 1, receives the image data—paragraph 0039, lines 9-15); performing data processing on the received image data for displaying said image data (paragraph 0042, lines 11-15 and paragraph 0043, lines 1-14); and controlling the amount of image data to be received (a control unit similar to the one on the transmitting side can be used on the receiving side—125 in figure 1 and paragraph 0035, lines 18-20) in accordance with information concerning the

specification of a display unit that displays said image data (display capabilities of the client system—paragraph 0040, lines 9-12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos (US 2001/0047517) in view of Enari (US 5,847,840).

Considering claim 5, Christopoulos discloses an image data transmission apparatus (paragraph 0035, lines 1-4) and that the said image data are a motion picture (paragraph 0046, lines 1-5 and figure 5).

Christopoulos fails to disclose that the control unit controls the amount of image data to be transmitted in accordance with said information without reducing the number of frames included in said motion picture.

In analogous art, Enari discloses that the control unit controls the amount of image data to be transmitted in accordance with said information without reducing the

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number of frames included in said motion picture (column 7, line 56 – column 8, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Christopoulos' system to include motion picture transmission without reducing the number of frames included in said motion picture, as taught by Enari, for the benefit of providing the a clear motion video without any jitter.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos (US 2001/0047517) in view of Ejiri (US 2001/0003532).

Considering claim 9, Christopoulos discloses a compression unit that compresses said image data to be transmitted (paragraph 0051, lines 5-13). Christopoulos further discloses utilizing a region of interest transcoding means to rule out less important background regions of an image (paragraph 0040, lines 1-8 and paragraph 0045, lines 9-25).

Christopoulos fails to explicitly disclose the extraction of low frequency components from said image data in accordance with said information.

In analogous art, Ejiri discloses extracting low frequency components from said image data (paragraph 0024, lines 1-4).

It would have been obvious to one of ordinary skill in the art to at the time the invention was made to modify Christopoulos' system to include the extraction of low frequency components from said image data, as taught by Ejiri, for the benefit of transmitting dynamic image data in video communication systems.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos (US 2001/0047517) in view of Ejiri (US 2001/0003532).

Regarding claim 16, Christopoulos discloses an image data transmission apparatus (paragraph 0035, lines 1-4).

Christopoulos fails to disclose that the said control unit monitors the amount of received data and instructs a transmission apparatus to terminate transmission of said image data when the amount of said received data reaches the specified amount.

In analogous art, Ejiri discloses that the amount of received data is monitored and a transmission apparatus is instructed to terminate transmission of said image data when the amount of said received data reaches the specified amount (paragraph 0040, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Christopoulos' system to include regulation of data transmission, as taught by Ejiri, for the benefit of controlling data overflow or underflow.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopoulos (US 2001/0047517) in view of Enari (US 5,847,840).

Considering claim 17, Christopoulos discloses an image data transmission apparatus (paragraph 0035, lines 1-4) and that the said image data are a motion picture (paragraph 0046, lines 1-5 and figure 5).

Christopoulos fails to disclose that the control unit controls the amount of image data to be transmitted in accordance with said information without reducing the number of frames included in said motion picture.

In analogous art, Enari discloses that the control unit controls the amount of image data to be transmitted in accordance with said information without reducing the number of frames included in said motion picture (column 7, line 56 – column 8, line 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Christopoulos' system to include motion picture transmission without reducing the number of frames included in said motion picture, as taught by Enari, for the benefit of providing the a clear motion video without any jitter.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY


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